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FILED

Attorney for Defendant
ROBERT JAMES ASCENCIO

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITES STATES OF AMERICA,

Plaintiff,

v.

ROBERT JAMES ASCENCIO,

Defendant.

No. CR 05-00164-01 RMW

STIPULATION FOR REDUCTION
OF SENTENCE AND []
ORDER PURSUANT TO USSG
§ 1B1.1(b) AND AMENDMENT 782

IT IS HEREBY STIPULATED AND AGREED, by and between the parties
acting through their respective attorneys that:

1. Defendant Ascencio is making an unopposed motion for reduction of his
sentence pursuant to 18 U.S.C. 3582(c)(2);

2. Defendant's original guideline range (Counts One and Three only) was
110 to 137 months; base offense level of 28, Criminal History Category of VI;

3. After briefing and argument of counsel, defendant was sentenced to the low

term of the guideline range of 110 months. (A mandatory minimum sentence of 60 months on Count Two, Possession of a Firearm in Furtherance of Drug Trafficking, 18 U.S.C. § 924(c)(1)(A), was imposed to run consecutive to the 110 month sentence.);

4. Defendant was sentenced on December 12, 2005 to 170 months;

5. Effective November 1, 2014, the Court may order a reduction in defendant's sentence pursuant to 18 U.S.C. § 3582(c), USSG § 1B1.10 (b)(1), and Amendment 782 to the United States Sentencing Manual;

6. Pursuant to Amendment 782, defendant's revised guideline calculation for Counts One and Three only is as follows:

Total offense level - 23;

Criminal History Category- VI;

Guideline Range - 92 to 115 months

USPO Recommended Sentence - 98 months (USPO Sentence Reduction Investigation Report, dated March 4, 2015, at 3.)

7. Based on the foregoing, the parties hereby stipulate that the Court may enter an order reducing defendant Ascencio's term of custody to 98 months on Counts One and Three, effective November 1, 2015.

8. The parties further stipulate that all other aspects of the original sentence including the term of supervised release, all conditions of supervision, fines, restitution, and special assessment remain unchanged.

9. Defendant stipulates that he waives and does not request a hearing in this matter pursuant to Fed.R.Crim.Pro. 43, 18 U.S.C. § 3582(c)(2), and *United States v. Booker*, 543 U.S. 220 (2005).

10. Defendant waives the right to appeal the district court's sentence.

11. The parties further agree that an amended judgment in accordance with this stipulation may be entered by the Court pursuant to 18 U.S.C. § 3582(c),

1 USSG § 1b1B10(B)(1), and Amendment 782 of the Sentencing Guidelines
2 Manual. A Sentence Reduction Investigation Report and a proposed amended
3 judgment will be submitted to the Court.

4
5 IT IS SO STIPULATED.

6 /s/

7 Dated: June 10, 2015

8 MELINDA L. HAAG
9 United States Attorney
J. DOUGLAS WILSON
Assistant United States Attorney
Northern District of California

10
11 /s/

12 Dated: June 10, 2015

13 ALLEN H. SCHWARTZ
Attorney for Defendant Ascencio

14 IT IS SO ORDERED.

15
16 Dated: June 10, 2015

17 Ronald M. Whyte
18 RONALD M. WHYTE
Judge of the United States District Court